



ELEMENT SEVEN

Monitor Recipients for Compliance

(29 CFR 37.51 - 37.54)



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Purpose

The state shall ensure compliance with these requirements during the regularly scheduled Quality Assurance monitoring process of WIA Administration. This consists of desk reviews to review available data which may include policy statements, staffing profiles, organization charts, demographic data and participation data. On-site reviews include interviews, conferences, observation, review of records, assessment of service components and gathering of documentation.

Narrative

Each EO monitoring review must include a review of each recipient's:

- Compliance with its administrative obligations under WIA Section 188 and 29 CFR Part 37 (e.g. assurances, notice and communication, EO Officers);
- Compliance with responsibilities it has been assigned throughout the MOA;
- Programs and activities, to determine whether discrimination is occurring. This activity is the most important part of the monitoring review.

Arizona continues to comply with its administration obligations under WIA Section 188 and 29 CFR Part 37. Monitoring review will include compliance on programs and activities to determine whether discrimination is occurring. This review occurs on an annual basis.

Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum;

1. Analysis of the data and records collected by the recipient pursuant to 29CFR37.37 through 41, to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance; and
2. Where significant differences are found, follow-up investigations to determine, through record reviews, interviews, and other appropriate investigative techniques, whether the differences are due to discrimination.



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In order to ensure that WIA Title I-financially assisted programs and/or activities are operating in a nondiscriminatory manner, Arizona's monitoring regimen will include an analysis of the data and records collected by the recipient pursuant to 29 CFR 37.37 through 29 CFR 37.41. Compliance reviews determine whether differences based upon race, ethnicity, or sex have practical or statistical significance and if so, whether the differences are due to discrimination. When significant differences are found, the ensuing investigation may include but is not limited to record reviews, interviews, and other appropriate investigative techniques.

The narrative section of this element must describe, at a minimum, the system for evaluating the extent to which recipients are:

Complying with the administrative obligations of 29 CFR Part 37, including, but not limited to:

- Assurances (See 29 CFR 37.20 through 37.22)
- Equal Opportunity Officers (See 29 CFR 37.23 through 37.28)
- Notice and communication (See 29 CFR 37.29 through 37.36)
- Data and information collection and maintenance (See 29 CFR 37.37 through 37.41)
- Universal access (See 29 CFR 37.42)

Assurances are provided to each local area. Equal Opportunity Officers are listed in the Notice and Communication attachment of Element 2; Data and information collection and maintenance are kept both at the local level and the state administration office; universal access is addressed in Element 3, as part of the compliance and discrimination of policies.

Compliant processing procedures (See 29 CFR 37.70 through 37.80) are covered in Element 3: Complaint Procedures

Performing the responsibilities assigned such recipients by the State through the MOA, such as:

- Conducting equal opportunity monitoring/evaluation reviews of applicants for and recipients of WIA Title I financial assistance (including monitoring assurances and programmatic and architectural accessibility).



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Equal opportunity monitoring/evaluation reviews of applicants are conducted by the Quality Assurance Liaison and the EO Officer. The Quality Assurance Unit consists of five staff members who are assigned to conduct annual reviews of each of Arizona's sixteen (16) local areas. This review also includes programmatic and architectural accessibility.

- **Imposing sanctions and corrective actions for violations noted by a recipient during the monitoring reviews.**

Corrective actions are provided for in a monitoring report which are reviewed and analyzed by the Quality Assurance Unit and EO Officer to identify areas of potential disparity. Where required, a Corrective Action Plan (CAP) will be established to address areas of deficiency. The EO Officer will follow up within 90 days on the CAP to ensure implementation. Sanctions will be considered only when the local area will not agree to take voluntary corrective action. The ultimate sanction available is issuance of a Notice of Intent to revoke approval of all or part of the affected local area plan.

- **Ensuring policy development. Communication, and training area carried out.**

Technical Assistance to each of the local areas is made available on only a needed basis. The state sponsors an annual "Seminars in Excellence" which is specific to EEO policy for all recipients, participants, applicants, if requested.

- **Ensuring that their programs and activities are operating in a nondiscriminatory manner and ensuring equal opportunity, including but not limited to:**

- Conducting analyses by race/ethnicity and sex, of program and employment activity, including but not limited to rates of application, placement, and termination, to determine if significant differences exist, and
- Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment, interviews and other appropriate techniques



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Each recipient's methods of ensuring that WIA Title I financially assisted programs and/or activities are in compliance with nondiscrimination and equal opportunity provisions of Section 188 of the WIA are determined in each compliance review through a review of each recipients:

1. Analysis by race, ethnicity, and sex; or program and employment activity, including but not limited to ratio of application, placement and termination, to determine if significant differences exist,
2. Follow-up monitoring efforts to determine the cause of any such differences, through an analysis of the individual records of applicants, eligible applicants, participants, employees, and applicants for employment; interviews; and other appropriate monitoring techniques.

A desk audit compliance review analyses program summary material to ensure that no discrimination is occurring. A self-evaluation is distributed to all reviewed offices/facilities to serve as a training tool and monitoring device (Self-Evaluation form).

Additionally, the narrative should describe:

The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 37.5 through 37.10.

Before conducting an on-site compliance review, the state-level EO Officer notifies the local EO Officer and Workforce Area Program Coordinator. A letter confirming the arrangement of the compliance review is sent as soon as possible after notification. Statistical analysis of aid benefits, services, or training to distance applicant, claimant, participant groups is accomplished using all available source documents. Prior desk audit compliance reviews, on-site compliance reviews, complaint files, and Self Evaluations are also reviewed for previous findings or to determine discriminatory trends. Upon entering the workforce center, the EO Officer meets with recipient representatives to review the on-site compliance and review agenda, answer questions, and/or address concerns. Areas to be reviewed may include, but are not limited to:



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- Policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 37.5 through 29 CFR 37.10;
- Contracts and other similar agreements, to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity;
- Accessibility of services to persons with disabilities and other applicants with special needs;
- Equal opportunity posters and bulletin boards to determine if the name of the local-level EO Officer is posted and if the required EO posters (including the required notice, assurances, EO policy statement, and tag lines) are displayed in the waiting area of the workforce center;
- The local-level complaint log for thorough documentation and proper maintenance;
- Each recipient's designated complaint takers for knowledge of complaint-taking procedures;
- Staff training records to assure that staff have received EO/civil rights-rated training from the local-level EO Officer or other designated representative;
- Local-level monitoring reports to assure that the recipient is monitored regularly by the local-level EO Officer or another designated representative;
- The reception and switchboard areas to ensure all applicants are treated professionally and courteously and are provided with the same information and opportunities for service; and
- Employees to determine their knowledge of EO/civil right laws and the laws' impact on the day-to-day operations of the workforce center.

If training is required on any topic related to equal opportunity, the EO Officer could provide this at the time of review. Otherwise, recipients are expected to ensure that all staff is knowledgeable of EO laws and regulations and how these regulations impact the employees' job duties.

The written reports prepared for each review. These reports must provide, among other things, that the results of the monitoring review will be made available to the recipient(s) reviewed.



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At the conclusion of the review the EO Officer conducts an exit conference with pertinent workforce center staff and local Program Administrator. Subsequent to the on-site compliance review, the EO Officer prepares and distributes a written report of the review to the program Administrator of the local area with copies to the local EO Officer and the state-level EO Officer. The report details those areas in which the workforce center is in compliance and those areas in which the workforce center is not in compliance. The report details those areas in which the workforce center is in compliance and those areas in which the workforce center is not in compliance. The report may also make recommendations for corrective actions to occur within 30 working days of the report date. The EO Officer and the local-level EO Officer maintain monthly communication until all findings have been corrected.

The involvement of the State- and local-level EO Officer(s) is conducting reviews. Where individuals other than the State- or local-level EO Officer conduct EO monitoring, the narrative should provide the names, titles, and organizations of those persons.

The state and local EO Officers are the primary reviewers; name of State EO Officer and a list of local EO Officers is contained in Element One.

The procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

In Arizona, the determination for which recipients are to be reviewed comes from WIA PL 105-220 and 29 CFR Part 652, which require every entity to have an annual review. The state has made the determination to every recipient with whom the administration contracts that they shall have an annual review.

The use of the single audit required by WIA PL 105-220 is also used to determine if Section 188 of WIA is in compliance.